

United States District Court

SOUTHERN

DISTRICT OF
McALLEN DIVISION

TEXAS

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Jose Manuel Encinia

PRINCIPAL

United States District Court
Southern District of Texas
FILED

Case Number:

YOB:

1989

M-16-1728 -M

United States Citizen

SEP 15 2016

(Name and Address of Defendant)

Clerk of Court

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about September 14, 2016 in Hidalgo County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact Wilman Antonio Melendez-Gonzalez, a citizen and national of El Salvador, and Natali Saida Zelaya-Miranda, a citizen and national of Nicaragua, who had entered the United States in violation of law, did knowingly transport, or move or attempts to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near La Joya, Texas to the point of arrest near La Joya, Texas,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONY
I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On September 13, 2016, La Joya Police Department conducted a traffic stop and requested assistance from Border Patrol. Border Patrol Agents responded and made contact with Officer Gonzalez.

Officer Gonzalez informed Agents that he conducted a traffic stop on a gray Kia Spectra, on Expressway 83 east of Mesquite St near La Joya, Texas, for an expired inspection sticker. Agents performed an immigration inspection on the driver, identified as Jose Manuel Encinia, and he was found to be a United States Citizen. Two rear passengers in the vehicle were both found to be illegally present in the United States. Encinia was placed under arrest and read his Miranda Rights.

All the subjects were transported to the McAllen Border Patrol Station for processing.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Approved by Robert L. H.

Signature of Complainant

Sworn to before me and subscribed in my presence,

Julio Ibarra Senior Patrol Agent
Printed Name of Complainant

September 15, 2016

Date

at McAllen, Texas
City and State

Peter E. Ormsby U. S. Magistrate Judge
Name and Title of Judicial Officer

Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-16-1728 -M

RE: Jose Manuel Encinia

CONTINUATION:

Principal

Jose Manuel Encinia was read his Miranda Rights. He understood his rights and provided a sworn statement without the presence of an attorney.

Encinia stated that he offered the two illegal aliens a ride to the nearest hospital, because they looked like they needed help so he offered to take them to a public location.

Material Witness Statements

Wilman Antonio Melendez-Gonzalez and Natali Saida Zelaya-Miranda were advised of their Miranda Rights. Both understood their rights and provided a sworn statement without the presence of an attorney.

Melendez, a citizen of El Salvador, stated a friend made the smuggling arrangements and a payment of \$4,000 USD was made. Another \$4,000 USD were due when he arrived to Virginia. He crossed the Rio Grande River into the United States on September 14, 2016 in the morning. Melendez and Zelaya crossed together. After crossing, they were walking down a street and a car pulled next to them. The driver asked if they needed help. Melendez told the driver, 'Yes'. The driver then opened the trunk of his vehicle and told them to get inside. Melendez claims he didn't know the driver, he got into the trunk because he was scared the Border Patrol would see him. Melendez claims he was in the trunk for about five minutes until the vehicle stopped. The driver of the vehicle then pulled the seats down and told them both to quickly exit the trunk and sit down on the back seats. Melendez did not know where the driver was taking him.

MELENDEZ-Gonzalez identified Jose Manuel Encinia as the driver of the vehicle through a photo lineup.

Zelaya, a citizen of Nicaragua, stated that her aunt made the smuggling arrangements for a fee of \$9,000 USD but does not know how much has been paid. She crossed the Rio Grande River on September 14, 2016. She was told by a foot guide that a car would pick her up. She said that a small gray four door car pulled up next to her and that the driver got off, opened the trunk and told her and Melendez to get inside the trunk. Zelaya claims she rode in the trunk of the car for about ten minutes. The driver of the vehicle then yelled at her and Melendez to push the seats forward, get out of the trunk, and sit in the back seat. Zelaya identified Jose Manuel Encinia as the driver of the vehicle through a photo lineup.